



CITY OF LODI

COUNCIL COMMUNICATION

AGENDA TITLE: Public Hearing to Consider a Resolution Adopting Engineer's Report, Confirming the Assessments, Overruling Protests and Declaring Assessment Ballot Results and Establishing Almondwood Estates Assessment District Zone 1 Consolidated Landscape Maintenance Assessment District No. 2003-1

MEETING DATE: October 15, 2003

PREPARED BY: Public Works Director

RECOMMENDED ACTION: That the City Council conduct a Public Hearing to consider a resolution for the following:

1. Adopting Engineer's Report;
2. Confirming the assessments;
3. Overruling protests and declaring assessment ballot results; and
4. Establishing Almondwood Estates Assessment District Zone 1 Consolidated Landscape Maintenance Assessment District No. 2003-1.

BACKGROUND INFORMATION: On August 20, 2003, the City Council adopted the following resolutions regarding the formation of the Zone 1, Almondwood Estates Assessment District, Lodi Consolidated Landscape Maintenance Assessment District No. 2003-1.

1. Resolution of Preliminary Determination to Propose the Formation of a Maintenance Assessment District, to Levy an Annual Assessment for Cost Incurred and Preliminary Approval of Engineer's Report.
2. Resolution of Intention to Order the Formation of a Maintenance Assessment District, to Levy and Collect an Annual Assessment for Maintenance and Operation of Improvements and for Costs and Expenses and Setting Time and Place of Public Meeting and Public Hearing and Setting Forth Mailed Property Owner Ballot Procedure and Notice.

On October 1, 2003, the City Council conducted a public meeting to allow testimony regarding the proposed Lodi Consolidated Landscape Maintenance Assessment District No. 2003-1. The Public Meeting was conducted seven days prior to the Public Hearing as required by Government Code. There was no testimony given at the Public Meeting.

Developer of the Almondwood Estates Subdivision, Tract No. 3273, has elected to form an assessment district pursuant to the Landscaping and Lighting Act of 1972 for the purpose of installing and/or maintaining public improvements consisting of masonry block wall, landscaping and irrigation improvements, street parkway trees, and public park area. Included in the development's requirements is the replacement of the improvements at the end of its useful life.

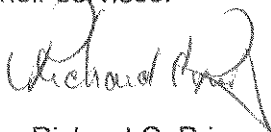
APPROVED:


H. Dixon Flynn -- City Manager

The estimated annual assessment for the first year is \$292, and the maximum annual assessment is \$403. The maximum annual assessment is subject to a yearly cost adjustment of the greater of either 5% or the percentage increase of the Local Consumer Price Index. Subsequent annual assessments will be based upon contract bid prices and the Engineer's Report schedule of replacement costs.

In order for the assessment to be successful under Proposition 218 requirements, a majority of the landowners who vote (calculated in terms of dollars of assessment) must vote in favor of the proposals. If a majority vote is not received, the district will not be formed. At this time, there is a single owner of the subdivision.

FUNDING: The developer is funding construction of the landscape improvements, masonry wall, and parkway trees that will be maintained by the Zone 1 assessments and is paying the engineer and legal counsel for their services.



Richard C. Prima, Jr.
Public Works Director

Prepared by F. Wally Sandelin

RCP/FWS/pmf

cc: Randy Hays, City Attorney
Tim Hachman
Ed Cornejo, KBHome
Mike Persak, Thompson-Hysell Engineers

RESOLUTION NO. 2003-195

A RESOLUTION OF THE LODI CITY COUNCIL
ADOPTING ENGINEER'S REPORT, CONFIRMING THE
ASSESSMENTS, OVERRULING PROTESTS AND
DECLARING ASSESSMENT BALLOT RESULTS AND
ESTABLISHING ASSESSMENT MAINTENANCE DISTRICT

Almondwood Estates Assessment District Zone 1
Lodi Consolidated Landscape
Maintenance Assessment District No. 2003-1
(Landscaping and Lighting Act of 1972)

NOW, THEREFORE, BE IT RESOLVED by the Lodi City Council that:

1. On August 20, 2003, this Council adopted Resolution of Intention to Order the Formation of a Maintenance Assessment District and to Levy and Collect Assessments and a Resolution of Preliminary Determination and in them directed the Engineer to make and file a Report in writing in accordance with and pursuant to the Landscaping and Lighting Act of 1972 (the Act) in and for the City's Almondwood Estates Assessment District Zone 1 Lodi Consolidated Landscape Maintenance Assessment District No. 2003-1.
2. The Report was made and filed and the Report was considered by this Council and found to be sufficient in every particular, whereupon it was determined that the Report be and it was preliminarily approved for all subsequent proceedings under and pursuant to the Resolution of Intention.
3. The City Council provided for the giving of Notice of the Public Meeting and Public Hearing setting Wednesday October 1, 2003, at the hour of 7:00 p.m., in the meeting place of the Lodi City Council, Carnegie Forum, 305 West Pine Street, Lodi, California, as the time for the Public Meeting and setting Wednesday October 15, 2003, at the hour of 7:00 p.m., in the meeting place of the Lodi City Council, Carnegie Forum, 305 West Pine Street, Lodi, California, as the time and place for a Public Hearing to take testimony and for hearing protests in relation to the proposed assessment, the formation of the district, the maintenance of the improvements thereof, the property owner assessment ballot procedure required by Article XIII D of the California Constitution and final action upon the Engineer's Report.
4. The owners of all of the property proposed to be included in the District have filed herein their Wavier and Consent.
5. On October 1, 2003, at the time and place as set forth in Resolution No. 2003-154 the City Council held the Public Meeting and duly heard all interested parties desiring to be heard.

6. The City Clerk has filed with the City Council a Certificate setting forth the time and manner of the compliance with the requirements of law for mailing Notices of the time and place for said Public Meeting and Public Hearing and the Notice of the property owner assessment ballot procedure required by Article XIID of the California Constitution (together with the property owner assessment ballots) and the Council hereby finds that the Notice of the time and place for said Public Meeting and Public Hearing thereon and Notice of the property owner assessment ballot procedure required by Article XIID of the California Constitution (together with the property owner assessment ballots) has been mailed in the time, form, and manner required by law.

7. On October 15, 2003, at the time and place as set forth in Resolution 2003-154 the City Council held the Public Hearing and duly heard all interested parties desiring to be heard.

8. In accordance with Resolution No. 2003-154 and Article XIID of the California Constitution, property owner assessment ballots were provided to all of the property owners in said assessment district, and at the close of the Public Hearing, the Clerk, the impartial person designated by the Council, tabulated the assessment ballots submitted and not withdrawn and found that the assessment ballots submitted, and not withdrawn, in opposition to the proposed assessment did not exceed assessment ballots submitted and not withdrawn in it favor, weighing those assessment ballots by the amount of the proposed assessment to be imposed upon the identified parcels for which each assessment ballot was submitted and the Council so found.

9. The City Council finds that any and all protests against the proposed assessment, maintenance of the improvements, or against the assessment district or the extent thereof or against the engineer's estimate of costs and expenses, in whole or as to any part, or against the diagram and descriptions in whole or in part (specifically all written protests not withdrawn in writing before the conclusion of the protest hearing) are made by the owners of less than one-half of the area of the land to be assessed. The City Council hereby overrules each of these protests, written and oral.

10. The City has caused the distribution of assessment ballots, a summary of the procedures applicable to the completion, return and tabulation of assessment ballots, and a statement that the existence of a majority protest will result in the assessment not being imposed. The City hereby finds and declares that the ballot measure has been submitted to the voters of land within the district and after the tabulation of the assessment ballots submitted and not withdrawn, that no majority protest against the assessment existed because the assessment ballots submitted in opposition to the assessment did not exceed the ballots submitted in favor of the assessment. In tabulating the ballots, they were weighted according to the proportional financial obligation of the affected properties.

11. The City Council hereby approves the Engineer's Report and each component part of it, including each Exhibit incorporated by reference in the Report. Reference is made to the Report for a full and detailed description of the improvements to be maintained, the boundaries of the assessment district and the Assessments.

12. The City Council hereby confirms the Assessment, Assessment Roll and the Diagram as now on file with it, and declares the Engineer's Report and said Diagram, Assessment, and Assessment Roll as contained therein are hereby adopted and confirmed.

13. Based on the oral and documentary evidence, including the Engineer's Report, offered and received at the public hearing, this Council expressly finds and determines that:

(a) each of the several subdivisions of land in the Assessment District will be specially benefited by the maintenance of the improvements at least in the amount, if not more than the amount, of the assessment apportioned against the subdivisions of land, respectively; and

(b) there is substantial evidence to support, and the weight of the evidence preponderates in favor of, the finding and determination as to special benefits.

14. The City Council determines and orders the maintenance assessment district be formed to be known as Almondwood Estates Assessment District Zone 1, Lodi Consolidated Landscape Maintenance Assessment District No. 2003-1.

15. This Council hereby orders that the improvements described in the Resolution of Intention be maintained, the formula and method of assessment to be used to pay the annual costs and expenses of the maintenance be confirmed, that the maximum annual assessment is established in the amount of \$403.00 per dwelling unit equivalent Factor (dueF) per year, is hereby ordered and confirmed.

16. The City Council finds, determines, and orders that the maximum annual assessment set forth in **Paragraph 15** of this resolution shall be annually increased in an amount equal to the greater of: 1) five percent (5%) or 2) the percentage increase of the Local Consumer Price Index (CPI). Consumer Price Index applied is for the San Francisco-Oakland-San Jose County Area for all Urban Consumers as developed by the U. S. Bureau of Labor Statistics for a similar period of time.

17. The City Council finds, determines, and orders that for the 2004-05 Fiscal Year there is hereby levied on each parcel an actual assessment amount of \$292.00 per dueF as detailed in the Engineer's Report and Assessment Roll contained therein.

18. The City Council hereby directs the City Clerk to comply with Section 22641 of the Streets and Highways Code. The County Auditor/Controller is requested to comply with the provisions of Section 22645 of the Streets and Highways Code in the collection of installments for taxes when levied by this Council.

19. This resolution shall take effect immediately upon its passage.

Dated: October 15, 2003

I hereby certify that Resolution No. 2003-195 was passed and adopted by the City Council of the City of Lodi in a regular meeting held October 15, 2003, by the following vote:

AYES:	COUNCIL MEMBERS – Beckman, Hansen, Howard, Land, and Mayor Hitchcock
NOES:	COUNCIL MEMBERS – None
ABSENT:	COUNCIL MEMBERS – None
ABSTAIN:	COUNCIL MEMBERS – None


SUSAN J. BLACKSTON
City Clerk

**CITY CLERK'S CERTIFICATE
RE: ASSESSMENT BALLOTS**

**ALMONDWOOD ESTATES ASSESSMENT DISTRICT ZONE 1
LODI CONSOLIDATED LANDSCAPE MAINTENANCE
ASSESSMENT DISTRICT NO. 2003-1**

I, SUSAN J. BLACKSTON, City Clerk of the City of Lodi hereby certify:

City Clerk staff have personally received and assembled all assessment ballots returned by mail or delivered in person to be cast in the special assessment mailed ballot procedure called by the City Council in its Resolution No. 2003-154 and in accordance with my instructions contained in that Resolution, I hereby declare the balloting closed.

At the conclusion of the Public Hearing on October 15, 2003, I opened and tabulated the assessment ballots and certify the result of that tabulation to be as follows:

TOTAL ASSESSMENT BALLOTS CAST	YES:	\$ 29,822.00
TOTAL ASSESSMENT BALLOTS CAST	NO:	\$ -0-
TOTAL ASSESSMENT BALLOTS CAST		\$ 29,822.00

THE ASSESSMENT BALLOTS CAST "YES" equal
100% OF THE TOTAL ASSESSMENT BALLOTS CAST.

I make this Certification on October 15, 2003.


SUSAN J. BLACKSTON

ORIGINAL

RECEIVED
2003 SEP 30 AM 9:42
CITY CLERK
CITY OF LODI

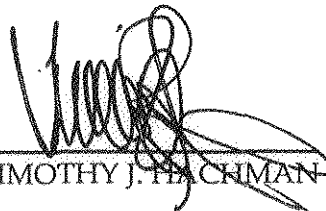
**CITY OF LODI
Almondwood Estates Assessment District Zone 1
Lodi Consolidated Landscape Maintenance
Assessment District No. 2003-1**

**CERTIFICATE OF PERSONAL DELIVERY AND/OR ELECTRONIC TRANSMISSION
OF NOTICE OF PUBLIC MEETING, PUBLIC HEARING, ASSESSMENT BALLOT
PROCEDURE, WAVIER AND CONSENT AND
PROPERTY OWNER ASSESSMENT BALLOT**

I, Timothy J. Hachman, under penalty of perjury, certify as follows:

That for and on behalf of the Clerk of the City of Lodi, and on September 16, 2003, I caused to be personally delivered and /or electronically transmitted a Notice of Public Meeting and Public Hearing and Assessment Ballot Procedure, Property Owner Assessment Ballot and Wavier and Consent for the City of Lodi, Almondwood Estates Assessment District Zone 1, Lodi Consolidated Landscape Maintenance Assessment District No. 2003-1, to all persons or their authorized representatives owning real property proposed to be assessed whose names and addresses as known to said City Clerk, a copy of which Notice, Property Owner Assessment Ballot and Wavier and Consent is hereto attached and marked Exhibit "A."

Executed on September 26, 2003.


TIMOTHY J. HACHMAN

NOTICE OF PUBLIC MEETING AND PUBLIC HEARING AND BALLOT PROCEDURE

EXHIBIT A

CITY OF LODI COUNTY OF SAN JOAQUIN, STATE OF CALIFORNIA ALMONDWOOD ESTATES ASSESSMENT DISTRICT ZONE 1 LODI CONSOLIDATED LANDSCAPE MAINTENANCE ASSESSMENT DISTRICT NO. 2003-1

Pursuant to the provisions of the Landscaping and Lighting Act of 1972, Part 2 of Division 15 of the Streets and Highways Code of California, commencing with Section 22500, California Government Code Section 53753 and Section 4 of Article XIID of the California Constitution, the Lodi City Council the "Council" has ordered that Notice be given as follows:

PUBLIC MEETING

1. On Wednesday October 1, 2003, at 7:00 P.M. (or as soon thereafter as circumstances permit), in the regular meeting place of the Lodi City Council, Carnegie Forum, 305 West Pine Street, Lodi, California, the Council, city staff and consultants, will conduct a public meeting respecting the proposed formation of Almondwood Estates Assessment District Zone 1, Lodi Consolidated Landscape Maintenance Assessment District No. 2003-1 (the "District"), to present information and hear public testimony of any interested persons regarding 1) the formation of the District, 2) the ongoing maintenance of masonry walls, landscaping, amenities and park maintenance 3) the estimated costs and expenses of the annual maintenance and related legal proceedings, 4) the amounts of the assessments proposed to be levied on the benefited parcels of property, and 5) the amount or formula by which benefit has been estimated.

PUBLIC HEARING

2. On Wednesday, October 15, 2003, at 7:00 P.M. (or as soon thereafter as circumstances permit), in the regular meeting place of the Lodi City Council, Carnegie Forum, 305 West Pine Street, Lodi, California, the Council will hold a Public Protest Hearing respecting the proposed formation of the District when and where: (i) the Council will hear all protests to the formation, the maintenance budget and levy of assessments, (ii) the Clerk will tabulate the Assessment Ballots received, and not withdrawn, in support of or opposition to the proposed formation and assessment, weighting the Assessment Ballots by the amount of the proposed assessments to be levied upon the identified parcel for which each Assessment Ballot was submitted, and (iii) the Council will consider and finally act upon the formation, the proposed budget and levy of assessments. Any person interested may file a written protest with the City Clerk, City Hall, 221 West Pine Street, Lodi, CA 95241-1910, at or before the above time set for the Public Hearing. Wally Sandelin, Public Works Department, Telephone (209) 333-6709 is the person designated by the City Council to answer inquiries regarding the protest proceedings.

INFORMATION ABOUT THE PROJECT

3. The public improvements to be maintained by the proposed District are masonry walls, landscaping, amenities and park maintenance.

INFORMATION ABOUT COSTS, ASSESSMENT AND DURATION OF ASSESSMENTS

4. The proposed budget for the fiscal year 2004/2005 and the maximum annual budget with the individual parcels and amounts of estimated assessments are shown in the Engineer's Report on file with the City Clerk, City Hall, 221 West Pine Street, Lodi, CA 95241-1910. The estimated costs and expenses

to be assessed to the benefited parcels also include related management and administrative expenses. Interested persons are referred to the City Clerk's Office to examine the Engineer's Report for further information.

5. The total best estimate of the costs and expenses of the proposed maintenance of improvements and related assessment proceedings for the fiscal year 2004-2005 is the total sum of \$21,608.00. The maximum annual cost and expense is \$29,827.00. The amount of the assessment proposed for your parcel is set forth in the Official Property Owners Assessment Ballot which accompanies this Notice. The reason that an assessment is proposed for your parcel is that the Engineer's Report recommends and the Council has preliminary determined that the property is specially benefited by the maintenance of the improvements.

6. The Engineer's Report recommends that each of the parcels shall be assessed on the basis of the number of "Dwelling Unit Equivalent Factor (dueF)" assigned to the parcel, with one dueF unit representing the benefit equivalent of a single-family residence. The proposed fiscal year 2004-2005 annual assessment per dueF is \$292.00. The proposed maximum annual assessment for each dueF is \$403.00. **The assessment will continue indefinitely.**

The maximum assessment amount for each fiscal year shall be increased in an amount equal to the greater of: 1) five percent (5.0%), or 2) the percentage increase of the Local Consumer Price Index (CPI). Consumer Price Index applied is for the San Francisco-Oakland-San Jose County Area for All Urban Consumers, as developed by U.S. Bureau of Labor Statistics for a similar period of time. **(By law the City can only implement this increase if and when the actual cost of maintenance increases above the present cost.)**

ASSESSMENT BALLOT PROCEDURE AND 'MAJORITY PROTEST'

7. As provided by Section 4 of Article XIID of the California Constitution and Section 53753 of the California Government Code the Official Property Owners Assessment Ballot has been enclosed with this Notice, along with a self-addressed stamped returned envelope by which the Assessment Ballot may be returned to the Clerk. This is THE Official Assessment Ballot to be signed and returned to the City Clerk. It is not a sample ballot. You will not receive any other or additional Assessment Ballot. In order to make this Assessment Ballot count, in determining whether a "majority protest" exists, you must mark it (with an "X" indicating YES or NO), date it, sign it and submit it to the City Clerk no later than the close of the Public Hearing of Protests. If for any reason any Assessment Ballot has not been received by the City Clerk prior to the close of the Public Hearing of Protests, it will not be considered.

After the Assessment Ballot has been marked "Yes" or "No", dated and signed, it may be returned in the enclosed self-addressed stamped return envelope. This Assessment Ballot may be used by the owner or owners of any parcel to express either support of or opposition to the proposed assessment. Please see the Assessment Ballot for instructions respecting the alternative methods for submitting the completed Assessment Ballot either by mail (which may be done by using the enclosed return stamped envelope) or by personal delivery either prior to or at the time of the close of the Public Hearing of Protests. See the enclosed Assessment Ballot for further instructions.

8. Immediately following the close of the Public Hearing of Protests, whether on October 15, 2003, or at the conclusion of any continuation of said Hearing to a later date or to later dates the City Clerk or designee will open and tabulate the Assessment Ballots received prior to the close of the Public Hearing and the results will be announced; provided that, in the event that the Clerk requires an opportunity to determine (a) whether any Assessment Ballot has been properly signed by an owner or authorized representative of an owner or (b) any other matter respecting any Assessment Ballot and its

proper treatment in the assessment ballot procedure, the City Clerk reserves entitlement to continue the matter of announcing results to provide the Clerk with such opportunity.

The Assessment Ballots are weighted according to the proportional financial obligation the affected property has to the total Assessment amount. (Simplified, this means one vote for each one dollar of assessment.)

In the event that Assessment Ballots in opposition exceed those in support, there will be a "majority protest" and the Council will be precluded from proceeding with the proposed assessment.

NEED FOR WRITTEN STATEMENT OF GROUNDS OF PROTEST

9. Property owners wishing to preserve the opportunity to file a lawsuit challenging the assessment, if levied, are required by law to file a written protest and to state therein all the specific grounds of objection. Any grounds of objection not stated in a written protest filed prior to the close of the public hearing of protests are deemed waived in any subsequent lawsuit and may not be raised in such lawsuit.

FURTHER INFORMATION OR QUESTIONS

10. If For further information, you may refer to the Resolution of Intention and the Engineer's Report, both on file with the City Clerk at 221 West Pine Street, Lodi, CA. Said Resolution of Intention and Engineer's Report are open to public inspection and are incorporated herein by reference. All interested parties are especially referred to the Engineer's Report for a full description of the improvements, the parcels of land deemed specially benefited by the improvements, the proposed assessments on all of the parcels of land being assessed, and the method of estimating the proportionality of benefit amount to the parcels, using the dueF concept.

If you have questions about the assessment, please contact Wally Sandelin, Public Works Department (209) 333-6709. If you have questions about the Assessment Ballot, please contact the City Clerk's office at (209) 333-6702.

All proceedings before the City Council are conducted in English. The City of Lodi does not furnish interpreters and, if one is needed, it shall be the responsibility of the person needing one.

DATED: August 20, 2003

SUSAN J. BLACKSTON
City Clerk of the City of Lodi

CITY OF LODI
ALMONDWOOD ESTATES ASSESSMENT DISTRICT ZONE 1 LODI CONSOLIDATED LANDSCAPE MAINTENANCE
ASSESSMENT DISTRICT NO. 2003-1

IMPORTANT – OFFICIAL PROPERTY OWNER ASSESSMENT BALLOT

This ballot is for the use of the property owner of the parcel identified below, which parcel is located within the proposed Almondwood Estates Assessment District Zone 1, Lodi Consolidated Landscape Maintenance Assessment District No. 2003-1. Please advise the City Clerk at (209) 333-6702 if the name set forth below is incorrect or if you are no longer the owner of the parcel.

This ballot may be used to express either support for or opposition to the proposed assessment. In order to be counted, this ballot must be marked "Yes" or "No", dated and signed in ink below by an owner or, if the owner is not an individual, by an authorized representative of the owner. The ballot must then be delivered to the City Clerk at the Lodi City Hall, 221 West Pine Street, Lodi, CA 95241-1910, either by mail or in person, as follows:

Mail Delivery If by mail. Place the ballot in the enclosed, self-addressed stamped return envelope and place in the mail not later than one calendar week prior to October 15, 2003. The City Clerk cannot be responsible for late delivery of mailed ballots.

Personal Delivery If in person, to the City Clerk during regular office hours (8:00a.m. to 5:00 p.m.) at any time up to 5:00 on October 15, 2003 at the City Clerk's office at Lodi City Hall, 221 West Pine Street, Lodi, CA or at the protest hearing itself, scheduled for 7:00 p.m. on that date in the regular meeting place of the Lodi City Council, Carnegie Forum, 305 West Pine Street Lodi, CA

Whether delivered by mail or in person, the ballot must be received by the City Clerk prior to the close of the public hearing on October 15, 2003.

TO CAST THIS BALLOT, SIGN IN INK, DATE AND RETURN THIS ENTIRE PAGE

OFFICIAL ASSESSMENT BALLOT

Assessor's Parcel Number	Maximum Assessment Amount
062-060-24	\$14,508.00
062-060-12	\$ 7,657.00
062-060-13	\$ 7,657.00
Total:	\$29,822.00

Owner Name
KB Homes North Bay, Inc.

(Upon subdivision 74 lots/dueFs at a Maximum Annual
Assessment Amount \$403.00 per lot/dueF)

Mark With an "X" in the appropriate blank

BALLOT MEASURE

Shall the Lodi City Council form Almondwood Estates Assessment District Zone 1 Lodi Consolidated Landscape Maintenance Assessment District No. 2003-1, and levy a Maximum Assessment not to exceed the amount set forth above on the parcel(s) identified for masonry walls, landscaping, amenities and park maintenance with annual maximum increases in future assessments in an amount equal to the greater of 5% or the percentage increase of the Local Consumer Price Index (CPI). CPI applied is for the San Francisco- Oakland- San Jose Area for All Urban Consumers, as developed by U. S. Bureau of Labor Statistics for a similar period of time?	YES _____
	NO _____

I hereby certify under penalty of perjury that I am the legal owner or the authorized representative of the legal property owner and am therefore the person to execute this ballot for the property shown above.

Date: _____, 2003

Property Owner Signature _____

Printed Name of Property Owner: KB Homes North Bay, Inc.

DEADLINE FOR CITY CLERK TO RECEIVE COMPLETED BALLOTS IS OCTOBER 15, 2003

ORIGINAL

RECEIVED

2003 SEP 30 AM 9:43

CITY CLERK
CITY OF LODI

**WAIVER AND CONSENT TO
FORMATION OF DISTRICT
LEVY OF MAXIMUM ANNUAL ASSESSMENT
SHORTENING TIME PERIODS AND WAIVING VARIOUS
REQUIREMENTS FOR CONDUCTING PROPERTY OWNER
ASSESSMENT BALLOT**

**ALMONDWOOD ESTATES ASSESSMENT DISTRICT ZONE 1
LODI CONSOLIDATED LANDSCAPE MAINTENANCE
ASSESSMENT DISTRICT NO. 2003-1
CITY OF LODI
SAN JOAQUIN COUNTY, CALIFORNIA**

The undersigned is the authorized representative of **KB HOMES NORTH BAY, INC.** owner of APNs 062-060-24, 12 & 13 the owner (the "Owner") of the real property within the City of Lodi, County of San Joaquin, State of California (the "City") which is proposed to be included in the Almondwood Estates Assessment District Zone 1 Lodi Consolidated Landscape Maintenance Assessment District No. 2003-1 (the "District"), which will be subject to a maximum annual assessment with respect to the District. The City is undertaking proceedings for the formation the District and the levy of an annual maximum assessment on the property included therein, which proceedings include a property owner assessment ballot.

The undersigned, on behalf of the Owner, hereby requests that the District be formed, that the APN parcels set forth above be subject to the maximum annual assessment with respect to the District; that the parcels be subject to and a maximum annual assessment be levied as contained in the Engineer's Report on file in these proceedings.

In that connection, EDWARD COMEJO is the person legally entitled and authorized to cast the assessment ballot for the above-referenced Owner attributable to the above-referenced parcels in the property owner assessment ballot to be conducted within the District to determine, among other things, that the above APNs be subject to the maximum annual assessment and that the maximum annual assessment be levied as contained in the Engineer's Report on file in these proceedings.

The undersigned consents to the formation of the District and to the levy of the maximum annual assessment as provided in the Engineer's Report.

The undersigned, on behalf of the above-referenced Owner, hereby waives any and all minimum time periods relative to the assessment ballot pursuant to Government Code Section 54954.6

The undersigned, on behalf of the above-referenced Owner, hereby waives the notice, protest, hearing, assessment ballot, mailings and any publication requirements under Government Code Section 53753 and Article XIII C and D of the California Constitution and Sections 22608 and 22608.2 of the Streets and Highways Code.

The undersigned, on behalf of the above-referenced Owner, hereby waives the requirements regarding the time to mail assessment ballots to the qualified property owners pursuant to Government Code Sections 53753 and 54954.6 and agrees that the representative of the above-referenced Owner may accept either mailed service or personal service of the assessment ballots.

The undersigned, on behalf of the above-referenced Owner, hereby waives the requirements regarding identification envelopes for the return of assessment ballots, regarding keeping the envelope sealed, regarding the assessment ballot be in a form that conceals it or that it be placed in an envelope all as contained in Government Code Section 53753 and 54954.6.

Further, the undersigned, on behalf of the above-referenced Owner, hereby waives any and all defects in notice or procedure in the conduct of the assessment ballot, whether known or unknown (except the right to cast the assessment ballot and to have the assessment ballots fairly counted).

I declare, under penalty of perjury, under the laws of the State of California, that the foregoing is true and correct and that this declaration is executed on the date set forth below.

Date: 9/16, 2003

KB HOMES NORTH BAY, INC.

By: E. Long

Title: LAND DEVELOPMENT MANAGER

CITY COUNCIL

SUSAN HITCHCOCK, Mayor
EMILY HOWARD
Mayor Pro Tempore
JOHN BECKMAN
LARRY D. HANSEN
KEITH LAND

CITY OF LODI
PUBLIC WORKS DEPARTMENT

CITY HALL, 221 WEST PINE STREET
P.O. BOX 3006
LODI, CALIFORNIA 95241-1910
(209) 333-6706
FAX (209) 333-6710
EMAIL pwdept@lodi.gov
<http://www.lodi.gov>

H. DIXON FLYNN
City Manager
SUSAN J. BLACKSTON
City Clerk
RANDALL A. HAYS
City Attorney
RICHARD C. PRIMA, JR.
Public Works Director

October 9, 2003

Mr. Tim Hachman
Attorney at Law
P.O. Box 347
Stockton, CA 95202

Mr. Ed Cornejo
KBHome
611 Orange Drive
Vacaville, CA 95687

Mr. Mike Persak
Thompson-Hysell Engineers
1016 12th Street
Modesto, CA 95354

SUBJECT: Public Hearing to Consider a Resolution Adopting Engineer's Report, Confirming the Assessments, Overruling Protests and Declaring Assessment Ballot Results and Establishing Almondwood Estates Assessment District Zone 1 of the Lodi Consolidated Landscape Maintenance Assessment District No. 2003-1

Enclosed is a copy of background information on an item on the City Council agenda of Wednesday, October 15, 2003. The meeting will be held at 7 p.m. in the City Council Chamber, Carnegie Forum, 305 West Pine Street.

The Council will conduct a public hearing on this item. You are welcome to attend and speak at the appropriate time.

If you wish to write to the City Council, please address your letter to City Council, City of Lodi, P. O. Box 3006, Lodi, California, 95241-1910. Be sure to allow time for the mail. Or, you may hand-deliver the letter to City Hall, 221 West Pine Street.

If you wish to address the Council at the Council Meeting, be sure to fill out a speaker's card (available at the Carnegie Forum immediately prior to the start of the meeting) and give it to the City Clerk. If you have any questions about communicating with the Council, please contact Susan Blackston, City Clerk, at (209) 333-6702.

If you have any questions about the item itself, please call Wally Sandelin, City Engineer, at (209) 333-6709.



for: Richard C. Prima, Jr.
Public Works Director

RCP/pmf

Enclosure

cc: City Clerk